

Senate Bill 10

By: Senators Meyer von Bremen of the 12th, Tate of the 38th, Brown of the 26th, Golden of the 8th, Stoner of the 6th and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 5 of Title 21 and Titles 42 and 45 of the Official Code of Georgia
2 Annotated, relating, respectively, to ethics in government; penal institutions; and public
3 officers, so as to provide for the comprehensive revision of provisions regarding ethics and
4 conflicts of interest; to provide for a short title; to provide for and change certain definitions;
5 to provide for the timely issuance of advisory opinions by the State Ethics Commission and
6 other matters relative to advisory opinions; to create certain restrictions on receipt or award
7 of state contracts; to change provisions relating to acceptance of contributions during
8 legislative sessions; to change certain provisions relating to filing of financial disclosure
9 statements; to change certain provisions relating to lobbyist registration; to change provisions
10 relating to lobbyist disclosure reports and the contents thereof and the definition of lobbyist;
11 to create provisions relating to a lobbyist's eligibility for certain appointments and ability to
12 serve as a public employee; to provide for restrictions on former public officers from
13 engaging in lobbying under certain circumstances; to provide restrictions for lobbyists
14 relating to contingency agreements; to provide for restrictions for lobbyists relating to
15 presence on the floor of the House of Representatives and Senate; to provide for actions for
16 slander and libel and the commission's authority over such activity; to change provisions
17 relative to appearances before the Board of Pardons and Paroles by members of the General
18 Assembly or state elected or appointed officials; to change certain provisions relating to
19 complaints or information regarding fraud, waste, and abuse in state programs and
20 operations; to change certain provisions relating to the code of ethics for government service
21 generally; to change certain provisions relating to the code of ethics for members of boards,
22 commissions, and authorities; to change certain provisions relating to yearly disclosure
23 statements of public officials and employees concerning business transactions with the state;
24 to provide for an antinepotism policy; to provide for restrictions on the Governor's
25 appointment power under certain circumstances; to provide for an effective date and
26 applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Ethics in Government Reform Act of 2005."

SECTION 2.

Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in government, is amended by striking paragraph (13) of subsection (b) of Code Section 21-5-6, relating to powers and duties of the commission, and inserting in its place a new paragraph (13) of subsection (b) and adding new subsections (d), (e), and (f) to read as follows:

"(13) To issue, upon request, and publish receipt of a written request based on real or hypothetical circumstances, advisory opinions on the requirements of this chapter, based on a real or hypothetical set of circumstances within 30 days of receipt of each request for an advisory opinion."

"(d) In any matter pending before the commission, if a member of the commission has made or caused to be made a contribution in the current or immediately preceding election cycle to any respondent, any other party to the complaint, any candidate who opposed the respondent in any election in the current or immediately preceding election cycle, or the campaign committee of any of the foregoing, that member shall recuse himself or herself from consideration of the matter. The commission may, upon motion, order the recusal of a member.

(e) The State Ethics Commission shall have the same powers and duties with respect to Code Section 45-10-3 and Part 1 of Article 2 of Chapter 10 of Title 45 as the commission has with respect to this chapter.

(f) The Attorney General shall have the same powers and duties with respect to Code Section 45-10-3 and Part 1 of Article 2 of Chapter 10 of Title 45 as the Attorney General has with respect to this chapter. Without limiting the generality of the foregoing, it is specifically provided that the Attorney General may bring civil actions for the enforcement of Code Section 45-10-3 and Part 1 of Article 2 of Chapter 10 of Title 45 in the same general manner as provided in this chapter."

SECTION 3.

Said chapter is further amended by inserting a new Code Section 21-5-13 to follow Code Section 21-5-12 to read as follows:

1 "21-5-13.

2 (a) No elected public officer or employee or agent of an elected public officer shall
3 advocate for or cause the receipt or award of any state contract to a person who has made
4 a campaign contribution to the elected public officer or the elected public officer's
5 campaign committee in the current or immediately preceding election cycle.

6 (b) No elected public officer or employee or agent of an elected public officer shall
7 advocate for or cause the receipt or award of any state contract to any person who employs
8 the elected public officer."

9 SECTION 4.

10 Said chapter is further amended by striking Code Section 21-5-35, relating to acceptance of
11 contributions during legislative sessions, and inserting in lieu thereof the following:

12 "21-5-35.

13 (a) No member of the General Assembly or that member's campaign committee or public
14 officer elected state wide or campaign committee of such public officer shall accept or
15 solicit a contribution or a pledge of a contribution during a legislative session.

16 (b) Subsection (a) of this Code section shall not apply to:

17 (1) The receipt of a contribution which is returned with reasonable promptness to the
18 donor or the donor's agent;

19 (2) The receipt and acceptance during a legislative session of a contribution consisting
20 of proceeds from a dinner, luncheon, rally, or similar fundraising event held prior to the
21 legislative session; or

22 (3) A judicial officer elected state wide or campaign committee of such judicial officer."

23 SECTION 5.

24 Said chapter is further amended by striking subsection (b) of Code Section 21-5-50, relating
25 to filing by public officers and filings by candidates for public office, and adding new
26 subsections (b) and (d), to read as follows:

27 "(b) A financial disclosure statement shall be in the form specified by the commission and
28 shall identify:

29 (1) Each monetary fee or honorarium ~~of \$101.00 or less~~ which is accepted by a public
30 officer from speaking engagements, participation in seminars, discussion panels, or other
31 activities which ~~directly~~ relate to the official duties of the public officer or the office of
32 the public officer, with a statement identifying the fee or honorarium accepted and the
33 person or entity from whom it was accepted;

34 (2) Each monetary fee or honorarium of more than \$101.00 which is accepted by a public
35 officer who holds office on a full-time basis from speaking engagements, participation

1 in seminars, discussion panels, or other activities that are not related to the official duties
2 of the public officer or the office of the public officer, with a statement identifying the
3 fee or honorarium accepted and the person or entity from whom it was accepted;

4 ~~(2)~~(3) All fiduciary positions held by the candidate for public office or the public officer,
5 with a statement of the title of each such position, the name and address of the business
6 entity, and the principal activity of the business entity;

7 ~~(3)~~(4) The name, address, and principal activity of any business entity and the office held
8 by and the duties of the candidate for public office or public officer within such business
9 entity as of December 31 of the covered year in which such candidate or officer has a
10 direct ownership interest which interest:

11 (A) Is more than ~~10~~ 5 percent of the total interests in such business; or

12 (B) Has a net fair market value of more than \$20,000.00;

13 ~~(4)~~(5) Each tract of real property in which the candidate for public office or public
14 officer has a direct ownership interest or purchase option as of December 31 of the
15 covered year when that interest has a ~~net~~ fair market value in excess of \$20,000.00. As
16 used in this paragraph, the term '~~net~~ fair market' value means the appraised value of the
17 property for ad valorem tax purposes ~~less any indebtedness thereon~~. The disclosure shall
18 contain the county and state and general location therein ~~where the property is located~~
19 description of the property;

20 (6) The filer's occupation, employer, and the principal activity and address of such
21 employer;

22 (7) If he or she has actual knowledge of such ownership interest or knowledge of facts
23 which would put a reasonable and prudent person on notice of such ownership interest,
24 the filer shall name any business or subsidiary thereof in Georgia in which the filer's
25 spouse or dependent children, jointly or severally, own a direct ownership interest which
26 interest:

27 (A) Is more than 5 percent of the total interests in such business; or

28 (B) Has a net fair market value of more than \$20,000.00

29 or in which the filer's spouse or any child, sibling, or parent serves as an officer, director,
30 equitable partner, trustee, or consultant;

31 (8) If the filer or his or her spouse has engaged in a business in a fiduciary position
32 during the last reporting year which provides legal, investment, accounting, medical or
33 health related, real estate, banking, insurance, educational, farming, engineering,
34 architectural, construction, or other professional services or consultations, then the filer
35 shall report each category from which the gross income received from all combined
36 clients in such category exceeds \$10,000.00. Such categories shall be established by rule
37 of the commission and may include a stock investment portfolio, electric utilities, gas

utilities, telephone utilities, water utilities, cable television companies, intrastate transportation companies, pipeline companies, oil or gas exploration companies or both, oil and gas retail companies, banks, savings and loan associations, loan or finance companies or both, manufacturing firms, mining companies, life insurance companies, casualty insurance companies, other insurance companies, retail companies, beer, wine, or liquor companies or distributors or any combination thereof, trade associations, professional associations, governmental associations, associations of public employees or public officials, and counties;

~~(5)~~(9) All annual payments in excess of \$20,000.00 received by the public officer or any business entity identified in paragraph ~~(3)~~ (4) of this subsection from the state, any agency, department, commission, or authority created by the state, and authorized and exempted from disclosure under Code Section 45-10-25, and the agency, department, commission, or authority making the payments, and the general nature of the consideration rendered for the source of the payments; and

~~(6)~~(10) No form prescribed by the commission shall require more information or specify more than provided in the several paragraphs of this Code section with respect to what is required to be disclosed."

"(d) Beginning January 9, 2006, all state-wide elected officials and members of the General Assembly required to file financial disclosure statements shall use electronic means to file his or her financial disclosure statements. Prior to such date, electronic filing of financial disclosure statements by such persons is permitted and encouraged but not required."

SECTION 6.

Said chapter is further amended by striking paragraphs (6) and (7) of Code Section 21-5-70, relating to definitions, and inserting in their respective places and adding new paragraphs (6), (7), (8), and (9) to read as follows:

"(6) 'Lobbyist' means:

(A) Any natural person who, for compensation, either individually or as an employee of another person, undertakes to promote or oppose the passage of any legislation by the General Assembly, or any committee thereof, or the approval or veto of legislation by the Governor;

(B) Any natural person who makes a total expenditure of more than \$250.00 in a calendar year, not including the person's own travel, food, lodging expenses, or informational material to promote or oppose the passage of any legislation by the General Assembly, or any committee thereof, or the approval or veto of legislation by the Governor;

(C) Any natural person who as an employee of the executive branch or judicial branch of state government engages in any activity covered under subparagraph (A) of this paragraph;

(D) Any natural person who, for compensation, either individually or as an employee of another person, undertakes to promote or oppose the passage of any ordinance or resolution by a public officer specified under subparagraph (F) or (G) of paragraph (15) of Code Section 21-5-3, or any committee of such public officers, or the approval or veto of any such ordinance or resolution;

(E) Any natural person who makes a total expenditure of more than \$250.00 in a calendar year, not including the person's own travel, food, lodging expenses, or informational material to promote or oppose the passage of any ordinance or resolution by a public officer specified under subparagraph (F) or (G) of paragraph (15) of Code Section 21-5-3, or any committee of such public officers, or the approval or veto of any such ordinance or resolution; ~~or~~

(F) Any natural person who as an employee of the executive branch or judicial branch of local government engages in any activity covered under subparagraph (D) of this paragraph;

(G) Any natural person who, for compensation, either individually or as an employee of another person, undertakes to influence a public officer or state agency in the selection of a vendor to supply any goods or services to any state agency; provided, however, this subparagraph shall not include a person solely on the basis of such person's participation in preparing a written bid, written proposal, or other document relating to a potential sale to a state agency; or

(H) Any natural person who, for compensation, either individually or as an employee of another person, undertakes to promote or oppose the promulgation of administrative rules or regulations by any state agency.

(7) 'Public officer' means those public officers specified under subparagraphs (A) through (G) of paragraph (15) of Code Section 21-5-3, as amended, except as otherwise provided in this article and also includes any public officer or employee who has any discretionary authority over, or is a member of a state agency which has any discretionary authority over, the selection of a vendor to supply any goods or services to any state agency.

(8) 'State agency' means any agency, authority, department, board, bureau, commission, council, corporation, entity, or instrumentality of the state but does not include a local political subdivision, such as a county, city, or local school district or an instrumentality of such a local political subdivision.

1 (9) 'Vendor' means any person who sells to or contracts with any state agency for the
2 provision of any goods or services."

3 **SECTION 7.**

4 Said chapter is further amended by striking subsections (a) and (d) of Code Section 21-5-73,
5 relating to disclosure reports, and inserting in their respective places new subsections (a), (d),
6 and (e) to read as follows:

7 "(a) Each lobbyist registered under this article shall file disclosure reports as provided for
8 in this Code section. Beginning January 9, 2006, lobbyists shall file such reports by
9 electronic means."

10 "(d) Reports filed by lobbyists shall be verified and shall include:

11 (1) A description of all expenditures, as defined in Code Section 21-5-70, or the value
12 thereof made by the lobbyist, ~~or~~ employees of the lobbyist, or employer of the lobbyist
13 on behalf or for the benefit of a public officer. The description of each reported
14 expenditure shall include:

15 (A) The name and title of the public officer or, if the expenditure is simultaneously
16 incurred for an identifiable group of public officers the individual identification of
17 whom would be impractical, a general description of that identifiable group;

18 (B) The amount, date, and description of the expenditure;

19 (C) The provisions of Code Section 21-5-70 notwithstanding, aggregate expenditures
20 described in divisions (1)(E)(vii) and (1)(E)(x) of Code Section 21-5-70 incurred during
21 the reporting period; provided, however, expenses for travel and for food, beverage, and
22 lodging in connection therewith afforded a public officer shall be reported in the same
23 manner as under subparagraphs (A), (B), and (D) of this paragraph; and

24 (D) If applicable, the number of the bill, resolution, ordinance, rule, or regulation
25 pending before the governmental entity in support of or opposition to which the
26 expenditure was made; ~~and~~

27 (2) The names of any public officer or any members of the immediate family of a public
28 officer employed by or whose professional services are paid for by the lobbyist or any
29 person on whose behalf a lobbyist is registered during the reporting period;

30 (3) For those who are lobbyists within the meaning of subparagraph (G) of paragraph (6)
31 of Code Section 21-5-70, the name of any vendor or vendors which the lobbyist
32 undertook to influence the awarding of a contract or contracts by any state agency
33 together with a description of the contract or contracts and the monetary amount of the
34 contract or contracts;

1 (4) For those who are lobbyists within the meaning of subparagraph (H) of paragraph (6)
2 of Code Section 21-5-70, a description, by number or otherwise, of any rule or regulation
3 promoted or opposed by the lobbyist; and

4 (5) For every lobbyist whose gross income received from all combined clients exceeds
5 \$10,000.00, a listing by category of clients of the income received from each category of
6 clients. Such categories shall be established by rule of the commission and may include
7 electric utilities, gas utilities, telephone utilities, water utilities, cable television
8 companies, intrastate transportation companies, pipeline companies, oil or gas exploration
9 companies or both, oil and gas retail companies, banks, savings and loan associations,
10 loan or finance companies or both, manufacturing firms, mining companies, life insurance
11 companies, casualty insurance companies, other insurance companies, retail companies,
12 beer, wine, or liquor companies or distributors or any combination thereof, trade
13 associations, professional associations, governmental associations, associations of public
14 employees or public officials, and counties.

15 (e) The reports required by this article shall be in addition to any reports required under
16 Code Section 45-1-6, relating to required reports by state vendors of gifts to public
17 employees. Compliance with this Code section shall not excuse noncompliance with that
18 Code section, and compliance with that Code section shall not excuse noncompliance with
19 this Code section, notwithstanding the fact that in some cases the same information may
20 be required to be disclosed under both Code sections."

21 **SECTION 8.**

22 Said chapter is further amended by adding new Code Sections 21-5-74, 21-5-75, and 21-5-76
23 to follow Code Section 21-5-73 to read as follows:

24 "21-5-74.

25 A lobbyist shall not be eligible to serve or receive compensation as a public employee or
26 be eligible for legislative or executive appointment to any state office, board, authority,
27 commission, or bureau created and established by the laws of this state which regulates the
28 activities of a business, firm, corporation, or agency that the lobbyist represented until one
29 year after the expiration of the lobbyist's registration.

30 21-5-75.

31 On and after January 8, 2007, every public officer shall be prohibited from registering as
32 a lobbyist or engaging in lobbying under this article for a period of one year after leaving
33 such office.

21-5-76.

(a) No person, firm, corporation, or association shall retain or employ an attorney at law or an agent to aid or oppose legislation for compensation contingent, in whole or in part, upon the passage or defeat of any legislative measure or upon the receipt or award of any state contract. No attorney at law or agent shall be employed to aid or oppose legislation for compensation contingent, in whole or in part, upon the passage or defeat of any legislation or upon the receipt or award of any state contract.

(b) It shall be unlawful for any person registered pursuant to the requirements this article or for any other person, except as authorized by the rules of the House of Representatives or Senate, to be on the floor of either house of the General Assembly while the same is in session to discuss privately measures then pending in the General Assembly."

SECTION 9.

Said chapter is further amended by adding a new article at the end of the chapter to read as follows:

"ARTICLE 5

21-5-80.

(a) A candidate is liable for any slander or libel, as defined and provided in Chapter 5 of Title 51, committed by a campaign committee that is controlled by that candidate if the candidate willfully and knowingly directs or permits the libel or slander.

(b) In addition to the action provided for in this Code section, the commission may issue an order after appropriate proceedings as provided in this chapter requiring the candidate whose committee committed the libel or slander to be fined as set forth in subparagraph (b)(14)(C) of Code Section 21-5-6 and may also make public its conclusion as provided in paragraph (15) of subsection (b) of Code Section 21-5-6."

SECTION 10.

Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended by striking Code Section 42-9-17, relative to appearances before the Board of Pardons and Paroles by members of the General Assembly or state elected or appointed officials, and inserting in lieu thereof the following:

"42-9-17.

(a) It shall be unlawful for members of the General Assembly or any other state elected or appointed official to ~~accept any compensation for appearing before~~ contact the board in ~~behalf of~~ with respect to a person under the jurisdiction of the board ~~and for seeking a~~

1 ~~decision on behalf of the person.~~ Nothing in this Code section shall be construed so as to
2 prohibit:

3 (1) Members of the General Assembly or state elected or appointed officials from
4 appearing before the board when their official duties require them to do so; ~~or~~

5 (2) Members of the General Assembly or state elected or appointed officials from
6 requesting information from ~~and presenting information to the board on behalf of~~
7 ~~constituents when no compensation, gift, favor, or anything of value is accepted, either~~
8 ~~directly or indirectly, for such services;~~

9 (3) Members of the General Assembly or state elected or appointed officials from
10 forwarding correspondence or communications received from third parties to the board,
11 so long as the correspondence or communications are forwarded in substantially the same
12 form in which they were received;

13 (4) The Attorney General, assistant attorney general, judge, district attorney, assistant
14 district attorney, solicitor-general, assistant solicitor-general, or public defender as
15 defined in Code Section 17-12-2 from appearing before the board while acting in his or
16 her official capacity; or

17 (5) Members of the General Assembly who are attorneys representing clients from
18 appearing before the board.

19 ~~(b) Nothing in subsection (a) of this Code section shall be construed to apply to the~~
20 ~~acceptance of compensation, expenses, and allowances received by members of the~~
21 ~~General Assembly or any other state elected or appointed official for their duties as such~~
22 ~~members or officials.~~

23 ~~(c)~~(b) Any person who violates subsection (a) of this Code section shall be guilty of a
24 misdemeanor."

25 SECTION 11.

26 Title 45 of the Official Code of Georgia Annotated, relating to public officers, is amended
27 by striking Code Section 45-1-4, relating to complaints or information regarding fraud,
28 waste, and abuse in state programs and operations, and inserting in lieu thereof the following:

29 "45-1-4.

30 (a) As used in this Code section, the term:

31 (1) 'Government agency' means any agency of federal, state, or local government charged
32 with the enforcement of laws, rules, or regulations.

33 (2) 'Law, rule, or regulation' includes any federal, state, or local statute or ordinance or
34 any rule or regulation adopted according to any federal, state, or local statute or
35 ordinance.

1 ~~(2)~~(3) 'Private employee' means any person who is employed by a private employer
2 whose employer has been awarded a contract to provide services or goods to the State of
3 Georgia and whose employee duties relate to provision of those services or goods for the
4 State of Georgia.

5 (4) 'Private employer' means a person or business entity which has entered into a contract
6 to provide goods or services to the State of Georgia.

7 ~~(4)~~(5) 'Public employee' means any person who is employed by the executive, judicial,
8 or legislative branch of the state or by any other department, board, bureau, commission,
9 authority, or other agency of the state except the office of the Governor, the judicial
10 branch, or the legislative branch. This term also includes all employees, officials, or
11 administrators of any agency covered under the State Merit System of Personnel
12 Administration and any local or regional governmental entity that receives any funds
13 from the State of Georgia or any state agency.

14 (6) 'Public employer' means the executive, judicial, or legislative branch of the state and
15 or any other department, board, bureau, commission, authority, or other agency of the
16 state which employs or appoints a public employee or public employees except the office
17 of the Governor, the judicial branch, or the legislative branch or any local or regional
18 governmental entity that receives any funds from the State of Georgia or any state
19 agency.

20 (7) 'Retaliate' or 'retaliation' refers to the discharge, suspension, or demotion by a public
21 or private employer of a public or private employee or any other adverse employment
22 action taken by a public or private employer against a public or private employee in the
23 terms or conditions of employment.

24 (8) 'Supervisor' means any individual:

25 (A) To whom a public or private employer has given authority to direct and control the
26 work performance of the affected public or private employee;

27 (B) To whom a public or private employer has given authority to take corrective action
28 regarding a violation of or noncompliance with a law, rule, or regulation of which the
29 public or private employee complains; or

30 (C) Who has been designated by a public or private employer to receive complaints
31 regarding a violation of or noncompliance with a law, rule, or regulation.

32 (b) A public employer may receive and investigate complaints or information from any
33 public employee concerning the possible existence of any activity constituting fraud, waste,
34 and abuse in or relating to any state programs and operations under the jurisdiction of such
35 public employer.

36 (c) Notwithstanding any other law to the contrary, such public employer shall not after
37 receipt of a complaint or information from a public employee disclose the identity of the

1 public employee without the written consent of such public employee, unless the public
2 employer determines such disclosure is necessary and unavoidable during the course of the
3 investigation. In such event, the public employee shall be notified in writing at least seven
4 days prior to such disclosure.

5 ~~(d) No action against any public employee shall be taken or threatened by any public~~
6 ~~employer who has authority to take, direct others to take, recommend, or approve any~~
7 ~~personnel action as a reprisal for making a complaint or disclosing information to the~~
8 ~~public employer unless the complaint was made or the information was disclosed with the~~
9 ~~knowledge that it was false or with willful disregard for its truth or falsity.~~

10 (d)(1) No public or private employer shall make, adopt, or enforce any policy or practice
11 preventing a public or private employee from disclosing or threatening to disclose a
12 violation of or noncompliance with a law, rule, or regulation to either a supervisor or a
13 government agency.

14 (2) No public or private employer shall retaliate against a public or private employee for
15 disclosing or threatening to disclose a violation of or noncompliance with a law, rule, or
16 regulation to either a supervisor or a government agency, unless the disclosure or
17 threatened disclosure was made with knowledge that the disclosure was false or with
18 reckless disregard for its truth or falsity.

19 (3) No public or private employer shall retaliate against a public or private employee for
20 objecting to, or refusing to participate in, any activity, policy, or practice of the public or
21 private employer that the public or private employee has reasonable cause to believe is
22 in violation of or noncompliance with a law, rule, or regulation.

23 (4) Paragraphs (1), (2), and (3) of this subsection shall not apply to policies or practices
24 which implement, or to actions by public or private employers against public or private
25 employees who violate, privileged or confidentiality obligations recognized by
26 constitutional, statutory, or common law.

27 ~~(e) Any action taken in violation of subsection (d) of this Code section shall give the~~
28 ~~public employee a right to have such action set aside in a proceeding instituted in the~~
29 ~~superior court.~~

30 (e)(1) A public or private employee who has been the object of retaliation in violation
31 of this Code section may institute a civil action in superior court for relief as set forth in
32 paragraph (2) of this subsection within one year after discovering the retaliation or within
33 three years after the retaliation, whichever is earlier.

34 (2) In any action brought pursuant to this subsection, the court may order any or all of
35 the following relief:

36 (A) An injunction restraining continued violation of this Code section;

1 (B) Reinstatement of the public or private employee to the same position held before
 2 the retaliation or to an equivalent position;

3 (C) Reinstatement of full fringe benefits and seniority rights;

4 (D) Compensation for lost wages, benefits, and other remuneration; and

5 (E) Any other compensatory damages allowable at law.

6 (f) A court may award reasonable attorney's fees, court costs, and expenses to a prevailing
 7 public or private employee."

8 SECTION 12.

9 Said title is further amended by striking Code Section 45-10-1, relating to the code of ethics
 10 for government service generally, and inserting in lieu thereof the following:

11 "45-10-1.

12 There is established for and within the state and for and in all governments therein a code
 13 of ethics for government service which shall read as follows:

14 CODE OF ETHICS FOR GOVERNMENT SERVICE

15 Any person in government service should:

16 I. Put loyalty to the highest moral principles and to country above loyalty to persons,
 17 party, or government department.

18 II. Uphold the Constitution, laws, and legal regulations of the United States and the
 19 State of Georgia and of all governments therein and never be a party to their evasion.

20 III. Be honest and truthful in all statements and representations made before the
 21 General Assembly and its committees; the State's departments, commissions, and
 22 boards; and the courts of the State of Georgia and the United States of America.

23 ~~III~~IV. Give a full day's labor for a full day's pay and give to the performance of his
 24 or her duties his or her earnest effort and best thought.

25 ~~IV~~V. Seek to find and employ more efficient and economical ways of getting tasks
 26 accomplished.

27 ~~V~~VI. Never discriminate unfairly by the dispensing of special favors or privileges to
 28 anyone, whether for remuneration or not, and never accept, for himself or herself or his
 29 or her family, favors or benefits under circumstances which might be construed by
 30 reasonable persons as influencing the performance of his or her governmental duties.

31 ~~VI~~VII. Make no private promises of any kind binding upon the duties of office, since
 32 a government employee has no private word which can be binding on public duty.

33 ~~VII~~VIII. Engage in no business with the government, either directly or indirectly,
 34 which is inconsistent with the conscientious performance of his or her governmental
 35 duties.

1 ~~VIII.~~IX. Never use any information coming to him or her confidentially in the
2 performance of governmental duties as a means for making private profit.

3 ~~IX.~~ Expose corruption wherever discovered.

4 XI. Uphold these principles, ever conscious that public office is a public trust."

5 SECTION 13.

6 Said title is further amended by striking Code Section 45-10-3, relating to code of ethics for
7 members of boards, commissions, and authorities, and inserting in lieu thereof the following:
8 "45-10-3.

9 Notwithstanding any provisions of law to the contrary, each ~~member of all boards,~~
10 ~~commissions, and authorities created by general statute~~ public official and employee as
11 those terms are defined in Code Section 45-10-20 shall:

12 (1) Uphold the Constitution, laws, and regulations of the United States, the State of
13 Georgia, and all governments therein and never be a party to their evasion;

14 (2) Never discriminate by the dispensing of special favors or privileges to anyone,
15 whether or not for remuneration;

16 (3) Not engage in any business with the government, either directly or indirectly, which
17 is inconsistent with the conscientious performance of his or her governmental duties;

18 (4) Never use any information coming to him or her confidentially in the performance
19 of governmental duties as a means for making private profit;

20 (5) Expose corruption wherever discovered;

21 (6) Never solicit, accept, or agree to accept gifts, loans, gratuities, discounts, favors,
22 hospitality, or services from any person, association, or corporation under circumstances
23 from which it could reasonably be inferred that a major purpose of the donor is to
24 influence the performance of the member's official duties;

25 (7) Never accept any economic opportunity under circumstances where he or she knows
26 or should know that there is a substantial possibility that the opportunity is being afforded
27 him or her with intent to influence his or her conduct in the performance of his or her
28 official duties;

29 (8) Never engage in other conduct which is unbecoming to a member or which
30 constitutes a breach of public trust; and

31 (9) Never take any official action with regard to any matter under circumstances in which
32 he or she knows or should know that he or she has a direct or indirect monetary interest
33 in the subject matter of such matter or in the outcome of such official action."

SECTION 14.

Said title is further amended by striking subsection (a) of Code Section 45-10-26, relating to yearly disclosure statements of public officials and employees concerning business transactions with the state, and inserting in lieu thereof the following:

"(a) Except as provided in subsection (b) of this Code section, any public official or employee, whether for himself or herself or on behalf of any business, or any business in which such public official or employee or any member of his or her family has a substantial interest who transacts business with the state or any agency thereof or with any political subdivision of the state shall disclose such transactions. In addition, if any business in which the children of any such public official have a substantial interest transacts business with the state or any agency or any political subdivision, such public official shall disclose such transactions if the public official has actual knowledge of such ownership interest or knowledge of facts which put a reasonable and prudent person on notice of such ownership. Such disclosure shall be submitted ~~prior to January 31~~ not before the first day of January nor later than July 1 of each year to the Secretary of State on such forms as ~~he~~ the Secretary of State shall prescribe and shall include an itemized list of the previous year's transactions with the dollar amount of each transaction reported and totaled. Such disclosure statements shall be public records. As used in this subsection, the term 'political subdivision' means the state or any local subdivision of the state or public instrumentality or public corporate body created by or under authority of state law, including, but not limited to, municipalities, counties, school districts, special taxing districts, conservation districts, authorities, and any other state or local public instrumentality or corporation which has the right to bring and defend actions or to issue bonds or other obligations as evidence of indebtedness under any provision of law; any corporate or other entity which leases a public improvement to such political subdivision; and the governing body of such political subdivision and its members and officers in their official capacity."

SECTION 15.

Said title is further amended by adding a new part at the end of Article 2 of Chapter 10, relating to conflicts of interest, to read as follows:

"Part 5

45-10-80.

(a) Every public officer is prohibited from advocating for or causing the advancement, appointment, employment, promotion, or transfer of a family member to an office or position that pays an annual salary of \$10,000.00 or more or its equivalent.

(b) Any person advanced, appointed, employed, promoted, or transferred in violation of this Code section shall not be entitled to any payment, salary, or benefits received for any position so illegally obtained; and any person who receives payment, salary, or benefits for a position obtained in violation of this Code section shall be required to reimburse the state for all amounts so received."

SECTION 16.

Said title is further amended by adding a new Code Section 45-12-61 to follow Code Section 45-12-60 to read as follows:

"45-12-61.

(a) As used in this Code section, the terms 'campaign committee,' 'contribution,' and 'expenditure' shall have the meanings set forth in Code Section 21-5-3.

(b) No person shall be eligible for appointment to fill a vacancy on any board, council, or commission or on the Supreme Court, the Court of Appeals, the superior courts, or the state courts if the person has made a contribution to or expenditure on behalf of the Governor or the Governor's campaign committee in the previous 120 days."

SECTION 17.

This Act shall become effective on January 9, 2006, and shall apply to all reports due that year and in subsequent years.

SECTION 18.

All laws and parts of laws in conflict with this Act are repealed.